

30 December 1953

MEMORANDUM FOR: Special Contracting, Allowances, and Processing Staff

ATTENTION : [] 25X1 25X1
SUBJECT : Amendments to Staff Agent Letter of []
REFERENCE : Memorandum from Chief, FE, to Special Contracting,
Allowances and Processing Staff dated 6 November 1953,
subject, [] 25X1

1. You have referred the referenced memorandum to this office for advice. The legal question therein raised concerns allocation of property interests in written and photographic materials prepared by [] while on cover 25X1 assignment as a staff agent for CIA.

25X1

2. We have appended hereto recommended amendments, to be incorporated in [] staff agent letter, which we believe will resolve the difficulty. These amendments should necessarily be retroactive to the effective date of the letter.

3. The suggested amendments recognize the fundamental proposition that the exclusive property interest in all materials produced by [] 25X1 while upon his covert assignment is in the Agency and that the Agency is entitled to utilize all such materials in any manner that it wishes. However, such of the materials as the Agency may not desire to retain under its exclusive control may quite properly be made available to [] 25X1 for exploitation at his personal expense in any manner that he chooses, without accountability to the Agency for profits or gain resulting therefrom.

4. In our opinion it would be virtually impossible to allocate property interests in materials of the nature produced by [] on 25X1 the basis of a determination that certain of these were prepared on Government time and for Government purposes and others were on the individual's time and for his personal use. We believe that the recommended amendments accomplish the desired objective of protecting the Agency's interest in the materials and at the same time not unreasonably precluding the individual from deriving personal benefit. .

5. We have retained the reference for our files.

25X1

[]
Office of General Counsel

Attachment:

25X1

2cc: [] (w/att.)

~~SECRET~~

OGC/GHK:blr

Distribution:

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2 - 25X1A8a
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